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10/047,636	01/15/2002	Arnfried Kiermeier	XP-0986	4022

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EXAMINER

PYO, KEVIN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/047,636	Applicant(s) KIERMEIER ET AL.	
	Examiner Kevin Pyo	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☐ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because it does not identify information regarding the second inventor:

Claim Objections

2. Claim 7 is objected to because of the following informalities:

In claim 7, line 11, after “rotating said drum”, --slowly-- should be inserted in view of being consistent with the specification. On page 3, lines 25-28, the specification states that “the drum is slowly rotated at a fraction of the normal operating speed keeping centrifugal forces low (compared to full speed) thereby preventing the plate from being a danger to an operator and/or the machine itself”. It appears that rotating speed of a drum is an essential feature of applicant’s invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 and 24 recite the limitation "said drum" in line 2 and 1, respectively. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 24, claim 24 recites the limitation "further rotation" in line 2. However, there is no establishment of any rotation in the previously claim (i.e. claim 14). It is unclear what is meant by the phrase "further rotation" due to the reason set forth above. Clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14, 15, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Landsman (5,764,381).

Regarding claim 14, Landsman shows in Fig.4 the following elements of applicant's invention: a) a support surface (60) for mounting an imageable media (68) thereon; b) an autofocus system (col.13, lines 6-25) for focusing a light beam onto said imageable media; c) a position controlling system (116; col.13, lines 11-13) for producing an electrical signal representative of a spatial position of a focusing lens of said autofocus system; and d) a

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controller (292) operative to control said autofocus system in a first mode of operation such that said focusing lens is positioned relative to said imageable media to obtain a desired focus condition of said light beam onto said imageable media (col.13, lines 15-25) and then, said controller operating in a second mode of operation operative to lock said focusing lens in a spatial position corresponding to said desired focus condition (col.13, lines 37-39), using said position controlling system.

Regarding claim 15, the limitation therein is disclosed in col.1 lines 15-23.

Regarding claim 18, limitation therein is disclosed in col.8, line 63-col.9, line 5.

Regarding claim 20, Landsman discloses the recited light beam (col.12, lines 64-68).

6. Claims 14, 15 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rolfe (6,633,024).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 14, Rolfe shows in Figs.1-3 the following elements of applicant's invention: a) a support surface (22) for mounting an imageable media (18) thereon; b) an autofocus system (36) for focusing a light beam onto said imageable media; c) a position controlling system (col.2, lines 36-38; in Fig.4 motor 52 provides focus position information) for

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producing an electrical signal representative of a spatial position of a focusing lens of said autofocus system; and d) a controller operative to control said autofocus system in a first mode of operation such that said focusing lens is positioned relative to said imageable media to obtain a desired focus condition of said light beam onto said imageable media (col.4, lines 25-42) and then, said controller operating in a second mode of operation operative to lock said focusing lens in a spatial position corresponding to said desired focus condition (col.4, lines 43-58; the focus of the optic 56 is maintained until scanning of the next scan line starts), using said position controlling system.

Regarding claims 15 and 19, Rolfe discloses an external drum platesetter (16).

Regarding claim 20, the limitation therein is shown in Fig.2.

Regarding claim 21, Rolfe shows in Fig.1 a plurality of clamps (40 and 44).

7. Claims 14-16, 19, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Reznichenko (6,504,137).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 14, Reznichenko shows in Fig.1 the following elements of applicant's invention: a) a support surface (col.3, lines 4-5) for mounting an imageable media (18) thereon;

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b) an autofocus system (col.4, lines 6-29) for focusing a light beam onto said imageable media;

c) a position controlling system (col.4, lines 7-10) for producing an electrical signal representative of a spatial position of a focusing lens of said autofocus system; and d) a controller (col.5, lines 58-60) operative to control said autofocusing system in a first mode of operation such that said focusing lens is positioned relative to said imageable media to obtain a desired focus condition of said light beam onto said imageable media (col.2, lines 7-10) and then, said controller operating in a second mode of operation operative to lock said focusing lens in a spatial position corresponding to said desired focus condition (the focus of the lens 22 is maintained until scanning of the next scan line starts), using said position controlling system.

Regarding claims 15 and 16, the limitations therein are disclosed in col.5, lines 13-19.

Regarding claim 19, Reznichenko discloses an external drum (col.5, line 13).

Regarding claim 20, the limitation therein is shown in Fig.1.

Regarding claim 21, Reznichenko discloses the diffused reflected light (col.3, lines 63-65).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 17, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman.

Regarding claim 17, although the position controlling system of Landsman utilizes an optical sensor type or capacitive coupling type (col.8, lines 63-col.9, line 5), the use of a hall effect sensor with a magnet as a position sensing device is notoriously well known in the art and it would have been obvious to one of ordinary skill in the art to utilize a hall effect sensor type position sensor in the device of Landsman since they are art recognized functional equivalents.

Regarding claim 23, as far as the claim is understood, although Landsman does not disclose the use of an alarm, it would have been obvious to one of ordinary skill in the art to include an alarm in the device of Landsman in view of warning an operator an occurrence of an undesirable condition such as the media 68 is unsecured from the drum 62.

Regarding claim 24, as far as the claim is understood, it would have been obvious to one of ordinary skill in the art to utilize a reset circuit in Landsman in view of the desire to effectively perform a reset operation in case of power outage.

Allowable Subject Matter

10. Claims 1-13 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose or make obvious a method of verifying an imageable media, a recordable substrate, or a printing plate is securely fastened to a support surface of an imaging machine comprising, in addition to the other recited steps of the claim, the steps of rotating a drum slowly while monitoring an electrical signal provided by a light sensor and stopping the

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rotation of the drum if the electrical signal exceeds a second predetermined value indicating the imageable media is not securely fastened to the surface of the drum.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Pyo whose telephone number is (571) 272-2445. The examiner can normally be reached on Mon-Fri (with flexible hour), First Mon. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin Pyo
Primary Examiner
Art Unit 2878

Pkk
3/6/04